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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1999/M 251	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/00469	International filing date (day/month/year) 22 January 2000 (22.01.00)	Priority date (day/month/year) 27 January 1999 (27.01.99)
International Patent Classification (IPC) or national classification and IPC A01N 47/38, 47/34, 47/36, 25/30, C11D 1/60		
Applicant AVENTIS CROPSCIENCE GMBH		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>1</u> sheets.
3.	This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 29 July 2000 (29.07.00)	Date of completion of this report 06 April 2001 (06.04.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

- ☐ the international application as originally filed.
- ☒ the description, pages 1-41, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 1-17, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. 18, filed with the letter of 12 March 2001 (12.03.2001),
 Nos. _____, filed with the letter of _____.
- ☐ the drawings, sheets/fig _____, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-18	YES
	Claims		NO
Inventive step (IS)	Claims	1-18	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations

See supplementary sheets

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VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

See supplementary sheets

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: V and VII

1. All of the "X" documents cited in the international search report (ISR) disclose that it is generally known to produce phosphonium or sulfonium salts from sulfonylureas. However, none of the citations discloses concrete examples of these compounds or formulations that contain these salts.
The prior art to date does not disclose or suggest a use of sulfonium or phosphonium compounds of the formula (XVIII) for producing agrochemical formulations according to Claim 1.
The subject matter of Claims 1 to 18 can thus be regarded as novel (PCT Article 33(2)).
2. The comparative tests (table I of the application and filed with the letter of 12.03.01) show that sulfonium salts of the sulfonyl ureas of the formula (Ia) according to Claim 3, in which R^a is a radical of formula (IVa) and (IVb) and R^b is a pyrimidin or triazine group, form stable EC in contrast to the neutral compounds and their alkali salts. The applicant has also alleged that with the claimed sulfonium or phosphonium compounds higher active ingredient concentrations can be obtained (see also the description, page 40, paragraph 1). These advantageous effects of the claimed compounds are not disclosed or suggested in the prior art to date.
The subject matter of Claims 1 to 18 thus involves an inventive step (PCT Article 33(3)).
3. Contrary to PCT Rule 5.1(a)(ii), the description

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does not cite D1-D5 (numbered in the order in the
ISR) or indicate the relevant prior art disclosed
therein.